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UK TRANSITION



Goods Regulation Webinar

This session covers changes to the UK approach after the transition period.

Speaker: Danny Langley

Department: Department for Business, Energy and Industrial Strategy

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Regulation of Manufactured Goods

From the 1 January 2021 the essential requirements and standards that can be used to demonstrate compliance will be the same as they are now. However, there may be other changes you need to make. Separate guidance for specific sectors can be found on GOV.UK.

Check:

- Which regulations apply to your product
- If you need a new product approval and begin the process as soon as possible
- If you need to appoint a new representative to act on your behalf
- Your supply chains / distributors and understand new legal duties
- What marking / labelling changes apply to your product

Introduction of new UK regulatory regimes

Under the new UK regulatory regimes, there will be different rules for placing goods on the market from 1 January 2021.



New Approach

Goods with a CE-marking may be placed on the UK market until 1 January 2022 e.g. Toys, PPE, machinery.

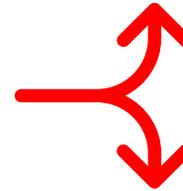
It is longer in some cases e.g. medical devices



Old Approach

Changes to existing standalone regulation models depend on specific goods.

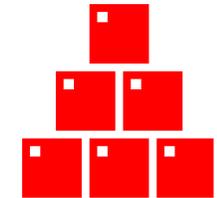
e.g. Chemicals, Vehicles, Aerospace



Non-Harmonised Goods

Mutual recognition will no longer apply to non-harmonised goods in GB.

e.g. Furniture



Other Goods

There are special rules for some goods including medical devices, construction products, civil explosives, and products requiring eco-design and energy labelling.

This presentation will focus on the UK's approach after the transition period.

Sector specific guidance can be found on [gov.uk/transition](https://www.gov.uk/transition)

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Goods subject to the UKCA marking

Placing New Approach goods on the market

If you have already placed CE marked goods on the EU or UK markets before 1 January 2021, you do not need to take any action for those goods. Placing on the market refers to individual goods, not types of goods.

Placing CE marked goods on the GB market

- Businesses should take steps to prepare for the upcoming changes to the domestic regime at the earliest opportunity.
- CE marked goods that meet EU requirements can continue to be placed on the GB market in most cases until 1 January 2022.

Placing CE marked goods on the EU market

- If you are placing manufactured goods on the EU market you must take steps to ensure compliance with EU requirements by 1 January 2021.

Goods subject to the UKCA marking

Ensure New Approach goods are labelled correctly

CE

- If you self-certify or use an EU Notified Body, you can still use the CE marking until 1 January 2022 for goods placed on the GB market (more in some cases). In this case, you can use your EU Declaration of Conformity until 1 January 2022.
- The CE marking will still be required for products placed on the EU market.
- You can place the UKCA and CE marking on the same product if it is destined for both the GB and EU markets so long as the product meets the rules for both markets.

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- From 1 January 2021 New Approach products assessed against GB rules by a GB 'Approved Body' will need the UKCA marking. In this case, you will need to use a UK Declaration of Conformity.
- If you currently self-certify for the CE mark, you can also do so for the UKCA mark.
- From 1 January 2021 the essential requirements and standards that can be used to demonstrate compliance to the UKCA marking will be the same as they are now for the CE marking.

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Goods subject to the UKCA marking

Changes to conformity assessment bodies for New Approach goods

GB market



All UK-based 'Notified Bodies' will automatically become UK 'Approved Bodies' from 1 January 2021. You can find details of UK bodies on the EU NANDO database or the UKAS website.

If your product requires third-party conformity assessment this will need to be done by a UK-recognised body from 1 January 2022 (in most cases).

EU market



From 1 January 2021 mandatory conformity assessments by UK bodies will no longer be recognised in the EU (unless agreed in negotiations). Businesses should speak to their existing conformity assessment bodies to discuss options.

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Goods subject to the UKCA marking

Take action to ensure products are market compliant

What does my business need to do now?

If you plan to place goods on both the UK and EU market, you should start preparing now:



Contact your notified bodies as soon as possible to understand your options for conformity assessments for the UK and EU markets.



Arrange for separate certificates for the UK and EU markets to be ready well in advance of 1 January 2022. There may be a requirement for a level of re-assessment before the second certificate is issued so you should start planning as soon as possible.

Goods subject to the UKCA marking

Check your legal responsibilities for New Approach goods

Will my responsibilities change?

The responsibilities of 'economic operators' who deal with CE or UKCA marked goods will change from 1 January 2021. Economic operators include manufacturers, importers, distributors and authorised representatives.



Importers - A UK-based distributor of EU goods may become an 'importer' – and vice-versa. Compared to distributors, importers have a stronger duty to ensure products are compliant and often must ensure their address is on a product.



Authorised Representatives - must be based in GB or NI for the GB market. GB-based Authorised Representatives will no longer be recognised in EU. EU legislation coming into force on 16 July 2021 means you may need to appoint an EU representative if there is no other economic operator in place.

Transitional measures – Timeline for UKCA

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From 1st January 2021

You can use the UKCA marking. In some cases, it will need to apply immediately. If so, you should get ready to use it before this date.

Until 1st January 2023

For most goods, you can affix the UKCA marking on a label affixed to the product or on an accompanying document.

From 1st January 2022

You will need to use UKCA for most goods* from 1st January 2022.

From 1st January 2023

The UKCA marking must, in most cases, be affixed directly to your product.

* The CE marking will continue to be recognised in GB until 30 June 2023 for medical devices. Make sure you consult the sector specific guidance.

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Other regulatory regimes

Placing Old Approach goods on the GB market

Equivalent UK regulatory frameworks will be in place for most goods covered under the current 'old approach'. Some goods with EU product approvals will be subject to light-touch additional requirements. Your business may also need to appoint new UK representatives.



Chemicals: The UK will have its own REACH regime post exit. For EU companies exporting to UK, you will need a 'UK Only Representative' to register chemicals under UK REACH, or your downstream customer in the UK will need to register.



Aerospace: The UK's Civil Aviation Authority currently oversees most aspects of civil aviation safety in the UK and will take on some additional functions from EASA after the transition period. The CAA will continue to recognise EASA approvals in effect on 31 December 2020 for a period of two years unless they expire sooner.



Automotive: EC type approvals will no longer be automatically accepted for motor vehicles on the GB market. The UK Vehicle Certification Agency (VCA) will issue provisional GB type approvals.



Medicines: Medicines with a "centralised" European Medicines Agency authorisation will be given a UK authorisation unless companies opt out.

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Find out more about placing goods on the market

- For guidance on placing goods on the GB market visit: www.gov.uk/guidance/placing-manufactured-goods-on-the-market-in-great-britain-from-1-january-2021
- For guidance on placing goods on the EU market visit: www.gov.uk/guidance/placing-manufactured-goods-on-the-eu-market-from-1-january-2021
- For guidance on placing goods on the market in Northern Ireland or to goods moving between NI and GB: www.gov.uk/government/publications/moving-goods-under-the-northern-ireland-protocol
- For guidance on using the UKNI marking visit: <https://www.gov.uk/guidance/using-the-ukni-marking-from-1-january-2021>
- For any queries regarding this guidance please email goodsregulation@beis.gov.uk



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